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Special Litigation Counsel for the Debtor  
and Debtor in Possession

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:	Chapter 11
LAWRENCE A. FIRST,	Case No. 22-11020 (MG)
Debtor.	

**SUMMARY SHEET**

**FIRST APPLICATION OF AMINI LLC, SPECIAL  
LITIGATION COUNSEL FOR THE DEBTOR, FOR ALLOWANCE OF  
INTERIM COMPENSATION AND REIMBURSEMENT OF EXPENSES  
FOR THE PERIOD SEPTEMBER 22, 2022-FEBRUARY 28, 2023**

Applicant:	Amini LLC
Retention date:	September 22, 2022
Compensation period:	September 22, 2022-February 28, 2023
Compensation requested by application:	\$240,823
Expenses requested by application:	\$14,111.17
Total requested by application:	\$254,934.17

This is a: X interim application \_\_\_ final application

**SUMMARY OF TIME BILLED**

Name	Title	Admitted	Hours Billed	Hourly Rate	Total Fees
Bijan Amini	Partner	2004	14.4	\$650	\$9,360
Avery Samet	Partner	2004	100.3	\$650	\$65,195
Jeffrey Chubak	Associate	2008	30.5	\$500	\$15,250
Daniel Ash	Associate	2022	256	\$400	\$102,400
Sydney Calhoun	Paralegal	N/A	29.7	\$160	\$4,752
Abla Laallam	Paralegal	N/A	243.7	\$180	\$43,866

Total attorney and paralegal hours billed: 674.6  
Blended hourly rate, excluding paralegal time: \$479.08

**ITEMIZATION OF EXPENSES**

<b>Expense Type</b>	<b>Amount</b>
Discovery vendor charges for December 2022-February 2023	\$14,111.17

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INTERIM COMPENSATION AND REIMBURSEMENT OF EXPENSES  
FOR THE PERIOD SEPTEMBER 22, 2022-FEBRUARY 28, 2023**

Amini LLC, special litigation counsel for the Debtor, submits its first application for interim allowance of compensation for services rendered from September 22, 2022 (retention date) through February 28, 2023 (“Compensation Period”) in the amount of \$240,823 and reimbursement of actual, necessary expenses during such period in the amount of \$14,111.17, pursuant to 11 U.S.C. §§ 330-331, Fed. R. Bankr. P. 2016 and Local Rule 2016-1.

Attorney and paralegal time detail and itemization of expenses from the Compensation Period is attached hereto as Exhibit 1. The certification required by the Amended Guidelines for Fees and Disbursements for Professionals (“Guidelines”) and statement required by Rule 2016(a) is attached hereto as Exhibit 2.

## **JURISDICTION AND VENUE**

1. The Court has jurisdiction to consider this application under 28 U.S.C. §§ 157(a) and 1334(b), and General Order M-431 (Amended Standing Order of Reference). This is a core proceeding under 28 U.S.C. § 157(b)(2). This case is properly venued in this district under 28 U.S.C. § 1408.

## **BACKGROUND**

2. Prior to the commencement of this case, Ascribe Associates III, LLC commenced an arbitration against the Debtor, to recover \$11.2 million as a clawback obligation. In addition, an Ascribe affiliate, ASCP, LLC, obtained a \$4.7 million judgment against the Debtor in an action to enforce a promissory note.

3. On July 26, 2022, the day before the petition date, the Debtor asserted claims in the arbitration against American Securities LLC, Ascribe Capital LLC and American Securities Opportunities Advisors, LLC, all affiliates of the Claimant. The Debtor's claims are summarized in his Local Rule 1007-2 declaration (ECF Doc. #7), and a copy is attached to the declaration as an exhibit.

4. The Debtor commenced this case on July 27, 2022, to permit him to pursue his claims in arbitration, without interference resulting from the threatened exercise of enforcement remedies by ASCP, LLC.

5. The procedural and scheduling order in the arbitration fixed April 17-20, 2023 as the "Firm Evidentiary Hearing Dates".

6. This Court entered an Order on September 22, 2022 (ECF Doc. #13), approving Amini LLC's employment and retention as special litigation counsel.<sup>1</sup> The Order authorized

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<sup>1</sup> As noted in Amini LLC's employment application (ECF Doc. #13, Exhibit 2 (Samet Decl.) ¶5), the prepetition retainer had been exhausted by the petition date.

Amini LLC to represent the Debtor in the arbitration and appear in this Court with respect to his arbitration claims.

7. On October 4, 2022, Ascribe Associates III, LLC and ASCP, LLC, an affiliated judgment creditor of the Debtor, moved to dismiss this case. (ECF Doc. #33.)

8. On October 24, 2022, Ascribe Associates III, LLC and ASCP, LLC commenced a nondischargeability action (22-ap-1166) against the Debtor.

9. On December 9, 2022, the Debtor answered the nondischargeability complaint. (22-ap-1166, ECF Doc. #5.)

10. On December 15, 2022, this Court entered a Memorandum Opinion and Order denying the motion to dismiss. (ECF Doc. #50.)

### **DESCRIPTION OF SERVICES**

11. In accordance with Guidelines ¶A(4)(i), the time detail is grouped by project code: arbitration, contested matters (opposition to motion to dismiss) and nondischargeability (answer). The information called for by Guidelines ¶A(4)(iii)(b)-(c) is as follows:

Project	Persons Providing Services in Relation to Project	Time	Amount
Arbitration	Bijan Amini	14.4	\$9,360
	Avery Samet	95.3	\$61,945
	Jeffrey Chubak	0.8	\$400
	Daniel Ash	250.5	\$100,200
	Sydney Calhoun	29.7	\$4,752
	Abla Laallam	243.7	\$43,866
	Subtotal	634.4	\$220,523
Nondischargeability	Avery Samet	1.5	\$975
	Jeffrey Chubak	7.6	\$3,800
	Daniel Ash	1.2	\$480
	Subtotal	10.3	\$5,255
Contested matters	Avery Samet	3.5	\$2,275
	Jeffrey Chubak	22.1	\$11,050
	Daniel Ash	4.3	\$1,720
	Subtotal	29.9	\$15,045

12. The following is a brief summary of services rendered during the Compensation Period in relation to the arbitration:

- Worked with opposing counsel to select arbitration panel;
- Handled initial conference with panel and negotiated scheduling order;
- Prepared and submitted answering and reply pleadings;
- Prepared document demands and responded to the same;
- Reviewed and produced documents to the Ascribe entities;
- Reviewed the documents produced by the Ascribe entities;
- Handled discovery disputes;
- Prepared Redfern schedule and held Redfern hearing with arbitration panel;
- Prepared and submitted witness statements constituting the direct testimony;
- Assisted with the preparation of expert report;
- Updated the client in relation to the foregoing.

**THE REQUESTED COMPENSATION SHOULD BE ALLOWED**

13. Bankruptcy Code section 331 makes the standard under section 330 applicable to interim fee applications.

14. Section 330 provides that a court may award a professional employed under section 327 “reasonable compensation for actual services rendered ... and reimbursement for actual, necessary expenses.” It also sets forth criteria for the award of such compensation and reimbursement, including the time expended, the nature and extent of services rendered and the costs of comparable services other than in a case under this title.

15. Amini LLC submits that the services for which it seeks compensation and the expenses for which it seeks reimbursement were necessary for and beneficial to the estate. The services rendered were consistently performed in a timely manner commensurate with the complexity, importance and nature of the issues involved. Amini LLC coordinated with the

Debtor's section 327(a) counsel to limit duplication of effort. Amini LLC submits the amounts requested are fair and reasonable.

**NOTICE**

16. In accordance with Rule 2002(a)(6), notice of the hearing on this application is has been served on the Debtor and all creditors. Notice has also been served on the Office of the United States Trustee.

WHEREFORE, this application should be granted.

Dated: New York, New York  
April 4, 2023

Amini LLC

/s/ Avery Samet

Avery Samet

Jeffrey Chubak

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